

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

QUICKEN LOANS, INC.,

Plaintiff,

No. 16-13233

v.

District Judge David M. Lawson  
Magistrate Judge R. Steven Whalen

RE/MAX, LLC,

Defendant.

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**ORDER**

Before the Court is Plaintiff Quicken Loan's motion to quash a non-party subpoena that Defendant Re/Max, LLC issued to In-House Realty, LLC ("In-House") [Doc. #17]. Plaintiff filed this action in the Eastern District of Michigan, but on October 31, 2016, this Court transferred the case to the District of Colorado [Doc. #16]. This Court then closed the case.

On April 17, 2017, Plaintiff filed the present motion, seeking to quash a subpoena to non-party In-House, which is domiciled in the Eastern District of Michigan. On May 1, 2017, Defendant filed a motion to compel In-House to respond to the subpoena. Because this was a motion to compel a Michigan non-party to respond to a subpoena issued in a Colorado case, and thus a proceeding ancillary to the action in the District of Colorado, it was properly filed under a miscellaneous number, **17-mc-50617**, not under the original Eastern District of Michigan number. That case was assigned to the Hon. Avern Cohn, and is scheduled for hearing on July 10, 2017.

This Court no longer has jurisdiction over the now-closed underlying case that was transferred to the District of Colorado. The proper forum for resolving objections to the

Rule 45 subpoena is a separate miscellaneous action in this Court that is ancillary to the District of Colorado case. That miscellaneous action is now pending before Judge Cohn, initiated by Defendant's motion to compel compliance with its subpoena. Plaintiff's objections to the subpoena would be more properly heard in that proceeding.

Therefore, Plaintiff's motion to quash subpoena [Doc. #17] is DENIED WITHOUT PREJUDICE to Plaintiff appearing in Case No. 17-mc-50617 in opposition to Defendant's motion to compel In-House to respond to the subpoena.

IT IS SO ORDERED.

s/R. Steven Whalen  
R. STEVEN WHALEN  
UNITED STATES MAGISTRATE JUDGE

Dated: June 8, 2017

#### **CERTIFICATE OF SERVICE**

I hereby certify on June 8, 2017, that I electronically filed the foregoing paper with the Clerk of the Court sending notification of such filing to all counsel registered electronically. I hereby certify that a copy of this paper was mailed to non-registered ECF participants.

s/Carolyn Ciesla  
Case Manager to  
Magistrate Judge R. Steven Whalen